

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA 2:19-cv-630-MMD-CWH**

~~2:17-cv-1364-MMD-CWH~~

Case #3:19 cv 00156 MMD-CBC

LEONARD FOLMAR,

Plaintiff(s),

VS.

BIOMET, INC., et al.

Defendant(s).

**VERIFIED PETITION FOR
PERMISSION TO PRACTICE
IN THIS CASE ONLY BY
ATTORNEY NOT ADMITTED
TO THE BAR OF THIS COURT
AND DESIGNATION OF
LOCAL COUNSEL**

FILING FEE IS \$250.00

Theodore E. O'Reilly, Petitioner, respectfully represents to the Court:
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of

Faegre Baker Daniels LLP

(firm name)

with offices at 11766 Wilshire Blvd., Suite 750,
(street address)

Los Angeles

California

90025

(city)

(310) 500-2090

theodore.oreilly@FaegreBD.com

(area code + telephone number)

(Email address)

2. That Petitioner has been retained personally or as a member of the law firm by
all Defendants _____ to provide legal representation in connection with
[client(s)]

the above-entitled case now pending before this Court.

1 3. That since December 10, 2009 (date), Petitioner has been and presently is a
2 member in good standing of the bar of the highest Court of the State of California (state)
3 where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or
4 from the clerk of the supreme court or highest admitting court of each state, territory, or insular
5 possession of the United States in which the applicant has been admitted to practice law certifying
6 the applicant's membership therein is in good standing.

7 4. That Petitioner was admitted to practice before the following United States District
8 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts
9 of other States on the dates indicated for each, and that Petitioner is presently a member in good
10 standing of the bars of said Courts.

Court	Date Admitted	Bar Number
California State Bar	12/10/2009	267675
USDC Eastern District of California	09/27/2010	
USDC Northern District of California	10/05/2010	
USDC Southern District of California	10/05/2010	
USDC Central District of California	03/18/2011	

19 5. That there are or have been no disciplinary proceedings instituted against petitioner,
20 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory
21 or administrative body, or any resignation or termination in order to avoid disciplinary or
22 disbarment proceedings, except as described in detail below:

23 None.

1 6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give
2 particulars if ever denied admission):

3 None.

6 7. That Petitioner is a member of good standing in the following Bar Associations.

7 None.

10 8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2
11 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

12 Date of Application	12 Cause	12 Title of Court Administrative Body or Arbitrator	12 Was Application Granted or Denied
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14 (See attached Statement of Additional Applications)

15 _____

16 _____

17 _____

18 _____

19 (If necessary, please attach a statement of additional applications)

20 9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the
21 State of Nevada with respect to the law of this state governing the conduct of attorneys to the same
22 extent as a member of the State Bar of Nevada.

23 10. Petitioner agrees to comply with the standards of professional conduct required of
24 the members of the bar of this court.

25 11. Petitioner has disclosed in writing to the client that the applicant is not admitted to
26 practice in this jurisdiction and that the client has consented to such representation.

27

28

STATEMENT OF ADDITIONAL APPLICATIONS-THEODORE O'REILLY

Date of Application	Cause	Title of Court	Was Application Granted or Denied
November 1, 2018	3:18-cv-00437-RCJ	USDC District of Nevada	Granted
November 8, 2018	2:18-cv-01744-GMN	USDC District of Nevada	Granted
January 31, 2019	2:16-cv-00264-APG	USDC District of Nevada	Granted
January 31, 2019	2:18-cv-02394-APG	USDC District of Nevada	Granted
January 31, 2019	2:19-cv-00043-RFB	USDC District of Nevada	Granted
March 19, 2019	3:19-cv-00056-MMD	USDC District of Nevada	Granted
April 8, 2019	2:19-cv-00377-GMN-GWF	USDC District of Nevada	Granted
April 8, 2019	2:19-cv-00378-GMN-CWH	USDC District of Nevada	Granted
April 10, 2019	2:19-cv-00396-JAD-VCF	USDC District of Nevada	Granted

1 By this designation the petitioner and undersigned party(ies) agree that this designation constitutes
2 agreement and authorization for the designated resident admitted counsel to sign stipulations
3 binding on all of us.

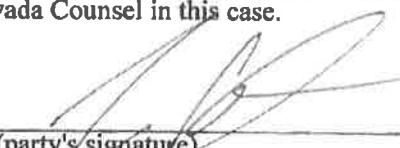
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5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6

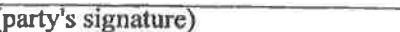
7 The undersigned party(ies) appoint(s) Vaughn A. Crawford as
8 (name of local counsel)
his/her/their Designated Resident Nevada Counsel in this case.

9

10 
(party's signature)

11 Justin Kashman, Litigation Counsel
(type or print party name, title)

12

13 
(party's signature)

14

15 
(type or print party name, title)

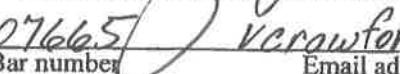
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17 **CONSENT OF DESIGNEE**
The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

18

19 
Designated Resident Nevada Counsel's signature

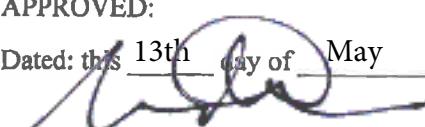
20

21 07665 
Bar number Email address

22

23 APPROVED:

24 Dated: this 13th day of May, 2019.

25 
UNITED STATES DISTRICT JUDGE



THE STATE BAR OF CALIFORNIA

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: 888-800-3400

CERTIFICATE OF STANDING

May 8, 2019

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, THEODORE O'REILLY, #267675 was admitted to the practice of law in this state by the Supreme Court of California on December 10, 2009; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script, appearing to read "Louise Turner".

Louise Turner
Custodian of Records

EXHIBIT 1

*Affidavit of Theodore O'Reilly in Support of Verified Petition
and Designation of Local Counsel*

EXHIBIT 1

*Affidavit of Theodore O'Reilly in Support of Verified Petition
and Designation of Local Counsel*

1 **FAEGRE BAKER DANIELS LLP**
2 TARIFA B. LADDON (*Pro Hac Vice* pending)
3 *tarifa.laddon@faegrebd.com*
4 THEODORE O'REILLY (*Pro Hac Vice* pending)
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6 **SNELL & WILMER LLP**
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8 *vcrawford@swlaw.com*
9 Nevada Bar No. 007665
10 3883 Howard Hughes Parkway
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 Telephone: (702) 784-5200
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11 | Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LEONARD FOLMAR,

Plaintiff

vs.

17 BIOMET, INC.; BIOMET
18 ORTHOPEDICS, LLC; BIOMET U.S.
19 RECONSTRUCTION, LLC; ZIMMER
20 BIOMET; and R. JOHNSTON,
individually and as a representative of
BIOMET, INC.,

Defendants.

CASE NO.: 3:19-cv-00156-MMD-CBC

**AFFIDAVIT OF THEODORE
O'REILLY IN SUPPORT OF
VERIFIED PETITION AND
DESIGNATION OF LOCAL COUNSEL**

1 I, Theodore O'Reilly, hereby declare as follows:

2 1. I am an active member of the Bar of the State of California and an attorney
3 with Faegre Baker Daniels LLP, attorneys of record for Defendants Biomet, Inc.; Biomet
4 Orthopedics, LLC; Biomet U.S. Reconstruction, LLC; Zimmer Biomet; and R. Johnston
5 (collectively, "Biomet"). I make this declaration based upon personal knowledge and, if
6 called upon to do so, I could and would so testify.

7 2. I make this declaration in support of my Verified Petition and Designation
8 of Local Counsel in the above referenced matter, pursuant to LR IA 11-2(h)(2).

9 3. Faegre Baker Daniels is national products liability counsel for Biomet; the
10 law firm does not have an office in Nevada.

11 4. In addition to this single plaintiff products liability case, Faegre Baker
12 Daniels represents Biomet in hundreds of other cases across the country alleging claims
13 against Biomet's M2a hip replacement system.

14 5. On October 2, 2012, the Biomet M2a cases were consolidated and
15 centralized in the United States District Court for the Northern District of Indiana in the
16 South Bend Division, where Judge Robert L. Miller, Jr. presides over *In Re: Biomet M2a*
17 *Magnum Hip Implant Products Liability Litigation* (MDL 2391), cause number: 3:12-
18 MD-2391 ("Biomet M2a Magnum MDL").

19 6. Beginning in 2018, Judge Miller remanded and transferred groups of cases
20 within the MDL to their local federal courts throughout the country, including those in
21 Nevada. On February 22, 2019 and March 11, 2019, Judge Miller remanded and
22 transferred additional cases out of the MDL. Additional cases are expected to be
23 remanded and transferred to local federal courts through 2019.

24 7. Faegre Baker Daniels LLP represents Biomet in the Biomet M2a Magnum
25 MDL, in the M2a remanded and transferred cases throughout the country, and in state
26 and federal court cases that were never centralized in the Biomet M2a Magnum MDL.

27 8. I and Tarifa Laddon of Faegre Baker Daniels LLP represent Biomet in
28 products liability cases such as this one, as well in many of the Biomet M2a Magnum

1 cases, and have thus far appeared in eight remanded and transferred Biomet M2a
2 Magnum MDL cases before this Court in which their verified petitions have been
3 granted:

4	5	Case Name	Case Number	Remand Date
6	7	Mitchell Gonzalez v. Biomet, Inc., et al.	2:18-cv-01744-GMN	September 6, 2018
8	9	Randall Hix v. Biomet, Inc., et al.	3:18-cv-00437-RCJ-WGC	September 6, 2018
10	11	Edward George v. Biomet, Inc., et al	2:18-cv-02394-APG-VCF	December 12, 2018
12	13	Veronica Gonzalez v. Biomet, Inc., et al	2:19-cv-00043-RFB-VCF	December 12, 2018
14	15	Rebecca Franks v. Biomet, Inc., et al	2:16-cv-00264-APG-PAL	January 2, 2019
16	17	Uwe Walter Jager v. Biomet, Inc., et al.	2:19-cv-00396-JAD-VCF	February 22, 2019
18	19	Francis Brown v. Biomet, Inc., et al.	2:19-cv-00377-GMN-GWF	February 22, 2019
20	21	Joanne Shattuck v. Biomet, Inc., et al.	2:19-cv-00378-GMN-CWH	February 22, 2019

22 9. On February 22, 2019 and March 11, 2019, Judge Miller remanded and
23 transferred four additional cases to this Court. I and Tarifa Laddon of Faegre Baker
24 Daniels LLP also appear in those cases on behalf of Biomet, as well as in future
25 remanded, transferred, and filed Biomet cases before this Court.

26 10. On March 19, 2019, in *Trujillo v. Zimmer U.S., Inc.* (3:19-cv-00056-MMD-
27 CBC), this Court granted Verified Petitions and Designations of Counsel for me and
28 Tarifa Laddon. *Trujillo* is a product liability case that was not a part of the M2a Magnum
MDL.

29 11. For purposes of efficiency, Biomet requests that the Verified Petitions and
30 Designations of Counsel for me and Tarifa Laddon be granted.

I declare under the penalty of perjury and the laws of the State of California and Nevada that the foregoing is true and correct.

Executed this 9th day of May, 2019, at Los Angeles, California.

/s/ Theodore O'Reilly
Theodore O'Reilly